

FIRST REGULAR SESSION

# HOUSE BILL NO. 217

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES COX (Sponsor), REMOLE,  
KOENIG AND BERRY (Co-sponsors).

0872H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 33.300, and 37.850, RSMo, and to enact in lieu thereof three new sections relating to the transparency and accountability of public funds, with an emergency clause.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 33.300, and 37.850, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 33.087, 33.300, and 37.850, to read as follows:

**33.087. 1. Every department and division of the state that receives any grant of federal funds of one million dollars or more shall document and make the following information easily available to the public on the Missouri accountability portal established in section 37.850:**

**(1) Any amount of funds it receives from the federal government;**

**(2) The name of the federal agency disbursing the funds;**

**(3) The purpose for which the funds are being received;**

**(4) The name of any state agency to which any portion of the funds are transferred by the initial receiving department or division, the amount transferred, and the purpose for which those funds are transferred; and**

**(5) The information provided to the department or division under subsection 2 of this section.**

**2. If a department or division receives a grant of federal funds and transfers a portion of such funds to another department or division, the department or division receiving the transferred funds shall report to the department or division from which the**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 funds were transferred, an accounting of how the transferred funds were used and any  
17 statistical impact that can be discerned as a result of such usage.

18 3. All information referred to in subsection 1 of this section shall be updated within  
19 thirty days of any receipt or transferal of funds.

20 4. The office of administration shall promulgate rules to implement the provisions  
21 of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that  
22 is created under the authority delegated in this section shall become effective only if it  
23 complies with and is subject to all of the provisions of chapter 536, and, if applicable,  
24 section 536.028. This section and chapter 536 are nonseverable and if any of the powers  
25 vested with the general assembly under chapter 536, to review, to delay the effective date,  
26 or to disapprove and annul a rule are subsequently held unconstitutional, then the grant  
27 of rulemaking authority and any rule proposed or adopted after the effective date of this  
28 act, shall be invalid and void.

33.300. The governor, lieutenant governor, attorney general, [state auditor,] state  
2 treasurer, and commissioner of administration constitute the board of fund commissioners, of  
3 which the governor is president and the state treasurer, secretary. The board shall direct the  
4 payment of interest on the state debt, the redemption, issue and cancellation of bonds of the state,  
5 and perform all acts required of it by law.

37.850. 1. The commissioner of administration shall maintain the Missouri  
2 accountability portal established in executive order 07-24 as a free, Internet-based tool allowing  
3 citizens to demand fiscal discipline and responsibility.

4 2. The Missouri accountability portal shall consist of an easy-to-search database of  
5 financial transactions related to the purchase of goods and services and the distribution of funds  
6 for state programs; **all bonds issued by any public institution of higher education or political**  
7 **subdivision of this state or its designated authority, all obligations issued or incurred**  
8 **pursuant to section 99.820 by any political subdivision of this state or its designated**  
9 **authority, and the revenue stream pledged to repay such bonds or obligations; and all debt**  
10 **incurred by any public charter school.**

11 3. The Missouri accountability portal shall be updated each state business day and  
12 maintained as the primary source of information about the activity of Missouri's government.

13 4. **Upon the conducting of a withholding or a release of funds, the governor shall**  
14 **submit a report stating all amounts withheld from the state's operating budget for the**  
15 **current fiscal year, as authorized by article IV, section 27 of the Missouri Constitution,**  
16 **which shall be:**

17 (1) **Conspicuously posted on the accountability portal website;**

18 (2) **Searchable by the amounts withheld or released from each individual fund; and**

19           **(3) Searchable by the total amount withheld or released from the operating budget.**

20           **5. Every political subdivision of the state, including public institutions of higher**  
21 **education but excluding school districts, shall supply all information described in**  
22 **subsection 2 of this section to the office of administration within seven days of issuing or**  
23 **incurring such corresponding bond or obligation. For all such bonds or obligations issued**  
24 **or incurred prior to the effective date of this act, every such political subdivision and**  
25 **public institution of higher education shall have ninety days to supply such information to**  
26 **the office of administration.**

27           **6. Every school district and public charter school shall supply all information**  
28 **described in subsection 2 of this section to the department of elementary and secondary**  
29 **education within seven days of issuing such bond, or incurring such debt. The department**  
30 **of elementary and secondary education shall have forty-eight hours to deliver such**  
31 **information to the office of administration. For all such bonds issued or debt incurred**  
32 **prior to the effective date of this act, every school district and public charter school shall**  
33 **have ninety days to supply such information to the department of elementary and**  
34 **secondary education. The department of elementary and secondary education shall have**  
35 **forty-eight hours to deliver such information to the office of administration.**

          Section B. Because it is necessary to document and track the transference of public  
2 funds, section A of this act is deemed necessary for the immediate preservation of the public  
3 health, welfare, peace and safety, and is hereby declared to be an emergency act within the  
4 meaning of the constitution, and section A of this act shall be in full force and effect upon its  
5 passage and approval.

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